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09/164,807	10/01/1998	WILLIAM D. CASTAGNA	33318/WWM/D2	7100

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 12/01/2003

24

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/164,807

Applicant(s)

CASTAGNA, WILLIAM D.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-5, 14-15, 22-28 and 32-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber et al. (US 5,251,251) in view of Henton (US 5,860,064).

Regarding **claim 1**, Barber discloses a telecommunications network-based greeting card method (column 1, lines 7-15), (which reads on claimed "a method of personalizing voice messages to be used by a voice mail system in interacting with a user based on information provided by the user in an interactive communication between the voice mail system and the user") comprising the steps of:

creating a plurality of sets (column 3, lines 56-57 "celebrities") of recorded messages (column 3, line 56 "prerecorded voice messages") wherein each set of the sets is identifiable by an agent (column 3, line 57 "celebrity impersonators"), the sets being for interacting with the voice mail system (column 3, lines 54-63) [The database contains a library of prerecorded voice messages by celebrities and can be access by a unique code and each message is identify by a celebrity]; and

selecting a recorded message (column 6, lines 3-4 "message selection code) from the plurality of sets of recorded messages based on interactive inquiries (column 6, line 4 "access code") between the user and the voice mail system, wherein the user selects the set by choosing a particular agent message (column 6, lines 3-12) [The prerecorded messages is selected by the subscriber and linked to an access code and each message is recorded by a celebrity or a celebrity impersonator].

Barber fails to disclose having a distinct mood.

However, Henton teaches each having a distinct mood (column 3, lines 13-22) [The sliding scale affects voices to be heard to contain moods and emotions].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the personalized messages of Barber by adding the sliding scale affecting voices messages as taught by Henton.

The modification will allow the system to use of the sliding scale affecting voices messages such that the combination would provide a synthetic speech utterance for a more natural intonation.

Regarding **claims 2 and 27**, Barber discloses the step of personalizing the selected recorded message responsive to the information provided by the user (column 5, lines 29-44).

Regarding **claim 3**, Henton teaches wherein the distinct mood is created by modifying at least one of the following: the speed, dialect, and pitch of the selected recorded message (column 3, lines 13-22).

Regarding **claim 4**, Barber discloses the creating step comprises automatically creating a set of recorded messages corresponding to the user's own voice and speech patterns using voice recognition (column 5, lines 29-44).

Regarding **claims 5 and 28**, Barber discloses playing a sample of agent introduction messages from a plurality of the sets of recorded message while waiting for a selection entry from the user the selection to indicate a selected agent and therefore a set of messages associated with the selected agent (column 5, lines 29-44);

affecting a recorded message responsive to the selection entry made by the user (column 5, lines 29-44); and

affecting a recorded message based on a previous selection if no selection entry is made by the user (column 5, lines 29-44).

Regarding **claim 14**, Barber discloses the plurality of sets of recorded messages is used for the system prompts to the user (column 5, lines 29-44).

Regarding **claim 15**, Barber discloses the interactive inquiries between the user and the voice mail system is determined by the system according to the user's competence in interacting with the system (column 5, lines 29-44).

Regarding **claim 22**, Barber discloses the plurality of sets of recorded messages are used for making system-wide changes in level of messages for a particular user (column 6, lines 3-12).

Regarding **claim 23**, Barber discloses the plurality of sets of recorded messages is used for changing the system prompts at a local point in the system (column 6, lines 13-19).

Regarding **claim 24**, Barber discloses the user is a subscriber of the voice mail system (column 6, lines 3-12).

Regarding **claim 25**, Barber discloses the user is an outside caller (column 5, lines 20-28).

Regarding **claim 26**, Barber discloses a telecommunications network-based greeting card system (column 1, lines 7-15) (which reads on claimed "an apparatus for personalizing voice messages to be used by a voice mail system in interacting with a

user based on information provided by the user in a communication between the voice mail system and the user”) comprising:

an application module (100 on FIG. 2);

a management module (102 on FIG. 2);

a media module (400 on FIG. 1) interconnected to the application module and the management module (100 and 400 on FIG. 1);

a storage medium (400 on FIG. 1) connected to the media module, the management module, and the application module (100 and 400 on FIG.1).

means (column 3, line 37 “telephones”) for creating a plurality of sets (column 3, lines 56-57 “celebrities”) of recorded messages (column 3, line 56 “prerecorded voice messages”) for each such set for interacting with the voice mail system (300 on FIG. 1) each set being identifiable by an agent (column 3, lines 54-63) [The database contains a library of prerecorded voice messages by celebrities and can be access by a unique code and each message is identify by a celebrity];

means (column 6, line 4 “access code”) for selecting a recorded message (column 6, lines 3-4 “message selection code) from the plurality of sets of recorded messages (column 6, lines 5-6 “the library of prerecorded messages”) based on interactive inquiries (column 6, line 4 “access code”) between the user (column 6, line 8 “the subscriber”) and the voice mail system whereby a sample of messages from different agents (column 5, line 31 “a preview option”) is provided to the user and wherein selection by a user (column 5, line 30 “the subscriber”) selects the set identifiable by that agent (column 5, lines 29-44) [The system uses the access code to

retrieve and play out the prerecorded messages selections and a preview option enables the user to select a prerecorded messages by a celebrity].

Barber fails to disclose having a distinct mood.

However, Henton teaches each having a distinct mood (column 3, lines 13-22) [The sliding scale affects voices to be heard to contain moods and emotions].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the personalized messages of Barber by adding the sliding scale affecting voices messages as taught by Henton.

The modification will allow the system to use of the sliding scale affecting voices messages such that the combination would provide a synthetic speech utterance for a more natural intonation.

Regarding **claim 32**, Barber discloses a telecommunications network-based greeting card method (column 1, lines 7-15), (which reads on claimed "a method of personalizing voice messages to be used by a voice mail system in interacting with a user based on information provided by the user in an interactive communication between the voice mail system and the user") comprising the steps of:

creating a plurality of sets (column 3, lines 56-57 "celebrities") of recorded messages (column 3, line 56 "prerecorded voice messages") wherein each set of the sets is identifiable by an agent (column 3, line 57 "celebrity impersonators"), the sets being for interacting with the voice mail system (column 3, lines 54-63) [The database

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contains a library of prerecorded voice messages by celebrities and can be access by a unique code and each message is identify by a celebrity]; and

selecting a recorded message (column 6, lines 3-4 "message selection code) from the plurality of sets of recorded messages based on interactive inquiries (column 6, line 4 "access code") between the user and the voice mail system, wherein the user selects the set by choosing a particular agent message (column 6, lines 3-12) [The prerecorded messages is selected by the subscriber and linked to an access code and each message is recorded by a celebrity or a celebrity impersonator].

Barber fails to disclose having distinct voice characteristics.

However, Henton teaches each having distinct voice characteristics (column 3, lines 13-22) [The sliding scale affects voices to be heard to contain moods and emotions].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the personalized messages of Barber by adding the sliding scale affecting voices messages as taught by Henton.

The modification will allow the system to use of the sliding scale affecting voices messages such that the combination would provide a synthetic speech utterance for a more natural intonation.

Regarding **claim 33**, Henton teaches wherein the voice characteristics of the recorded messages include at least one of the following: speed of the voice, voice dialect, accent, language and pitch (column 3, lines 13-22).

Regarding **claim 34**, Henton teaches wherein the mood includes at least one of the following: happy serious, verbose, terse, temperamental, and good-natured (column 3, lines 13-22).

3. **Claims 6-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of Henton and in further view of Hashimoto (US 4,850,005).

Regarding **claim 6**, Barber and Henton as applied to **claim 5** above differ from **claim 6** in that it fails to disclose a confirmation message.

However, Hashimoto teaches the step of confirming the selected recorded message by playing back to the user a confirmation message using the same mood as the selected message (column 5, lines 40-42).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Barber and Henton by adding a confirmation message as taught by Hashimoto.

The modification will allow the system to have a confirmation message such that the system would extract the data related.

Regarding **claim 7**, Hashimoto teaches conducting an interview with the user to determine an appropriate selection based on responses given by the user (column 5, lines 35-42).

Regarding **claim 8**, Hashimoto teaches selecting a pre-determined recorded message based on identification of the user by voice recognition (column 5, lines 60-66).

4. **Claims 9-11 and 29-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of Henton and in further view of Johnson (US 6,005,928).

Regarding **claims 9 and 29**, Barber and Henton as applied to **claims 1 and 26** above differ from **claims 9 and 29** in that it fails to disclose a calling number using ANI.

However, Johnson teaches the selecting step comprises selecting a pre-determined recorded message based on identification of a calling number using ANI information contained in data received by the voice mail system (column 3, lines 38-46).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a calling number using ANI of Johnson in the invention of Barber and Henton.

The modification of the invention will offer the capability of selecting a pre-determined recorded message based on identification of a calling number using ANI such as the messages would be played according to the calling number.

Regarding **claims 10 and 30**, Johnson teaches the selecting step comprises selecting a pre-determined recorded message based on identification of a calling number, using Caller ID information (column 3, lines 38-46).

Regarding **claim 11**, Johnson teaches the selecting step comprises selecting a recorded message for a person associated with an entry in an address book (column 3, lines 6-20).

5. **Claims 12-13 and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of Henton, in view of Hashimoto and in further view of Johnson (US 6,005,928).

Regarding **claims 12 and 31**, Barber and Henton as applied to **claims 1 and 26** above differ from **claims 12 and 31** in that it fails to disclose using an address book.

However, Hashimoto teaches seeking confirmation from the user for a matched voice pattern using a previously selected mood (column 5, lines 40-42);

selecting a pre-determined recorded message based on the matched voice pattern (column 5, lines 48-60).

Barber, Henton and Hashimoto fail to disclose searching a database by a voice recognition system.

However, Johnson teaches searching a database having entries for associations between voice patterns of users identified by a voice recognition system and calling numbers according to ANI information to find a match for a calling number (column 3, lines 37-46);

searching the database to find a match for the user's voice pattern associated with a matched calling number (column 3, lines 37-46).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Barber, Henton and Hashimoto by adding searching a database by a voice recognition system as taught by Johnson.

The modification will allow the system to include searching a database by a voice recognition system such that the voice recognition requirements would be reduced.

Regarding **claims 13 and 31**, Hashimoto teaches the step of adding a new entry in the database for the user associating the calling number with the user's voice pattern if no match is found (column 7, lines 9-23).

6. **Claims 16-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of Henton and in further view of Pfeiffer et al. (US 4,785,473).

Regarding **claim 16**, Barber and Henton as applied to **claim 15** above differ from **claim 16** in that it fails to disclose sets of recorded messages differ in length and speed.

However, Pfeiffer teaches the plurality of sets of recorded messages differ in length and speed (column 9, lines 52-59).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Barber and Henton by further adding sets of recorded messages differ in length and speed as taught by Pfeiffer.

The modification will allow the system to sets of recorded messages differ in length and speed such that the voice message segment would have a shorter length.

Regarding **claim 17**, Pfeiffer teaches the user's competence is determined by a plurality of detection criteria monitored by the system (column 4, lines 57-59).

7. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of Henton, in view of Pfeiffer and in further view of Tatchell et al. (US 5,905,774).

Regarding **claim 18**, Barber, Henton and Pfeiffer as applied to **claim 17** above differ from **claim 18** in that it fails to disclose the frequency at which the user reaches a particular point in the system.

However, Tatchell teaches detection criterion is the frequency at which the user reaches a particular point in the system (column 12, lines 1-4).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Barber and Pfeiffer by further adding the frequency at which the user reaches a particular point in the system of Tatchell.

The modification will allow the system to detect criterion in the frequency at which the user reaches a particular point in the system such that the predetermined response would be provided to the user.

8. **Claims 19-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of Henton, in view of Pfeiffer and in further view of Mark (US 5,825,871).

Regarding **claim 19**, Barber, Henton and Pfeiffer as applied to **claim 17** above differ from **claim 19** in that it fails to disclose the errors made by the user.

However, Mark teaches detection criterion is the errors made by the user (column 49, lines 45-53).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Barber and Pfeiffer by further adding the errors made by the user of Mark.

The modification will allow the system to detect criterion in the errors made by the user such that the unauthorized user would make the system unattractive.

Regarding **claim 20**, Mark teaches detection criterion is the long pauses of the system without user response at the same point in the system on consecutive calls (column 29, lines 4-12).

9. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of Henton, in view of Pfeiffer and in further view of Pepper et al. (US 5,930,700).

Regarding **claim 21**, Barber and Pfeiffer as applied to **claim 17** above differ from **claim 21** in that it fails to disclose how quickly the user halts a message with a selection.

However, Pepper teaches a detection criterion how quickly the user halts a message with a selection (column 8, line 60 to column 9, line 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hashimoto and Pfeiffer by further adding how quickly the user halts a message with a selection of Pepper.

The modification will allow the system to detect criterion of how quickly the user halts a message with a selection such that pressing the appropriate button would mark the message.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

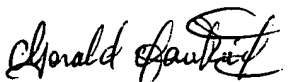
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

  
g.g.  
November 19, 2003

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

